



Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Consumer Protection)
In the Broadband Era)

WC Docket No. 05-271

Notice of Proposed Rulemaking

COMMENTS OF AARP

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AARP¹ respectfully submits these comments for the FCC's consideration and thanks the commission for the opportunity to participate in this important docket regarding consumer protections in the broadband era. AARP remarks in these initial comments offer a brief overview of some of the areas requiring the Commission's attention in this

¹ **AARP** is a nonprofit, nonpartisan membership organization that helps people 50+ have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. We have staffed offices in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

proceeding. Subsequently, AARP will submit a more detailed study of the consumer protection regulations necessary for broadband services, and the appropriate role of Federal and State Commissioners to set and enforce, to be filed with the Commission with our reply comments.

As consumers migrate to broadband Internet services, they need and deserve appropriate consumer protections. There are problems consumers have, and will continue to experience, with broadband services, that can only be addressed effectively through the medium of the regulatory process. According to the Better Business Bureau, Internet services were number five on the list of top ten consumer complaints of all industry services in 2004. Market forces alone are insufficient to resolve the complexities of broadband consumer issues such as privacy, truth-in-billing, service disruptions, information disclosures, etc. As telecommunications services have become more complex and “high-tech,” consumers face greater privacy risks and stronger protections are required.

AARP has a longstanding interest in consumer protections in all telecommunications services. For older Americans, the ability to contact emergency services is absolutely critical. Increasingly, mid-life and older Americans rely on broadband services for health, travel, entertainment, financial and employment information. AARP’s consumer protection advocacy has historically centered on traditional wireline services. Over the years, we have worked closely with the Commission to craft effective regulations

regarding consumer privacy, slamming, cramming, and other consumer protection issues for wireline telecommunications services.

As more telecommunications services migrate to broadband technologies, AARP contends that the FCC should develop similar requirements for providers of broadband Internet access service in the following areas, among others: Customer Proprietary Network Information (“CPNI”), Truth-in-Billing, Slamming, Discontinuation of Service, Service Contracts and early termination fees.

First, however, we raise the importance of the Commission reporting more complete consumer complaint information. Currently, it is difficult to determine the number and nature of consumer complaints for broadband services. For example, the FCC reports cable modem “complaints” as one category, but no such category is reported for digital subscriber line services. Publicly available and easily accessible records of consumer complaints regarding all modes of broadband service are essential if consumers are to make intelligent and informed buying choices. Moreover, both competitors and consumers may properly use complaints to encourage improved levels of service through product differentiation and purchasing power. The Commission should compile and report, on a regular basis, the number and types of complaints they receive about broadband service. The Commission should also ensure that each of these reports specifically classifies complaints by service provider and that all information is readily accessible to the general public in a clear format.

Truth in Billing

The Commission should require broadband providers to have clearly stated terms and conditions on all bills, marketing literature and other relevant communications to enable consumers to make informed decisions about service providers and products. The Commission should also:

- Prohibit service providers from imposing any separate monthly line-item charges unless such charges have been expressly mandated by federal, state, or local law,
- Require service providers to begin all sales transactions by providing consumers with all material terms and conditions of the offer to be purchased so consumers can make accurate comparisons among plans and service providers
- Require publication of Federal and State Commission contact information on bills to inform customers of the appropriate channels for lodging complaints.

Slamming

The Commission should extend the following protections for consumers of broadband services with regards to slamming, cramming and other deceptive telecommunications marketing practices:

- Providers of broadband services should obtain clear, verifiable and written authorization before changing any consumer's broadband service provider;
- Substantial penalties should be imposed on all providers of broadband services that engage in slamming, cramming and other deceptive practices;

- Consumers who have been slammed or crammed should not have to pay for any of the resulting charges and should receive full refunds if they have paid for unwanted services.

Federal and state regulators should fully enforce existing laws and regulations against all telecommunications providers that engage in slamming, cramming, and other deceptive telecommunications marketing practices.

Disruption of Service for Non-payment

It is likely that a consumer will purchase broadband and basic wireline telephone service from the same provider. In this regard, no consumer should be disconnected from basic telephone service for failing to pay the broadband service portion of the bill.

Switching Costs

Consumers should be protected against early termination fees or any other switching costs that diminish consumer welfare in the marketplace for broadband services.

CPNI

Broadband service providers collect social security numbers, credit references, names of employers and sources of income, among other customer-specific, sensitive and non-publicly available information. Customer Proprietary Network Information (CPNI) also includes 1) what services customers receive, 2) how much customers spend each month for the services provided, and 3) what their payment history has been. In addition, different services can capture customers' calling patterns, purchasing information, and

entertainment preferences. The right of consumers to determine whether and to whom this information should be disclosed is at the heart of this issue.

The Commission should ensure that providers have appropriate security measures in place to protect against unauthorized access to or use of consumers' personal data. The Commission should also require broadband service providers to present consumers with an opportunity to determine whether their non-publicly available and personally identifiable information can be used or disclosed for purposes other than those for which the information was originally provided.

Concern among our members and the general public has been heightened by the easy access to and misuse of personal information collected by telecommunications service providers. The seeming lack of security on the Internet has exacerbated this concern among mid-life and older Americans. An AARP survey² found that 74 percent of Internet users age 45 and older who have made Internet purchases are concerned about the privacy of information collected about them while they are making purchases online. Likewise, among all Internet users, nearly eight in ten (77 percent) are concerned that their Internet activities are tracked without permission, including 50 percent who are "very" concerned.

In summary, AARP maintains that the Commission must, at a minimum, impose requirements on providers of broadband Internet access service in the areas of consumer protection mentioned in these comments and should leave generous room to impose

² AARP National Survey on Consumer Preparedness and E-Commerce, March 2000

additional requirements should such rules be necessary to resolve problems and protect the interests of consumers.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David Certner", with a long horizontal flourish extending to the right.

David Certner
Director, Federal Affairs
AARP

January 17, 2006